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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,342	11/09/2000	Stephen W. Swaine	8884.00	5054

7590

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Michael Chan  
NCR Corporation  
1700 South Patterson Blvd.  
WHQ 5E  
Dayton, OH 45479-0001

EXAMINER

NOWLIN, APRIL A

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/710,342

Applicant(s)

SWAINE ET AL.

Examiner

April A. Nowlin

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2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 February 2003 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 23, the limitations set forth in this claim is unclear to the examiner because it is not legible due to a typographical error (see page 5, line 7 of Amendment).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 21, 22, and 24-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarbox (US 5,705,798) in view of Wheeler (GB 2,304,449), cited by the applicant.

Re claims 1-10, 24, 31, 33-35, and 40: Tarbox teaches an ATM machine 101 comprising a user interface including a group of indicators for entering data, each indicator being associated with a pre-defined transaction so that a user may execute a desired transaction by selecting a single indicator; wherein each indicator includes a push button and protrudes from a surface on which the indicator is mounted; and wherein the pre-defined transaction is programmed by a user and/or the owner of the terminal. The user interface also includes an identifier 109, a dispensing area 111, and a touch sensitive display. (See col. 1, lines 12-29; col. 6, line 11 to col. 7, line 61)

Re claims 21, 22, 28, 29, 32, 36-38, and 37: The ATM machine further comprises a controller means for accepting instructions for allowing *i)* a first user to program a first button to perform a first predetermined function, when later actuated by the first user and *ii)* a second user to program the first button to perform a second predetermined function, different from the first predetermined function, when later actuated by the second user. (See col. 6, line 11 to col. 7, line 61)

Re claim 26, wherein the touch sensitive display is effective to enable a sighted person to select and execute a transaction, with reference to text presented on the display.

Tarbox fails to teach or fairly suggest having indicators/buttons of different shapes such as a diamond shape, a circular shape, etc., or colors, wherein the indicators/buttons are effective to enable a blind person to select and execute a transactions and are distinguishable from each other by a blind person, based on shape.

Wheeler teaches a telephone apparatus having push buttons with unique attribute relating to the size, shape, and color of the push buttons and wherein the buttons are effective to enable a blind person to select and execute a transaction and wherein the buttons are distinguishable from each other by a blind person, based on shape (see figures 3, 4, and 12; col. 1, lines 6-17; col. 3, lines 21-30; and col. 18, lines 17-25). In view of Wheeler's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the notoriously old and well known push button keypad having differently shaped and color push buttons wherein the buttons are distinguishable from each other by a blind person and are effective to enables a blind person to select and execute a transaction to the teachings of Tarbox to allow a visually impaired person to easily identify the push buttons when conducting a transaction thus, reducing operation/transaction error made by the visually impaired person. Furthermore, it would have been obvious to have such indicators in order to make the user interface of the ATM machine aesthetically pleasing to the user.

***Response to Arguments***

6. Applicant's arguments filed 13 February 2003 have been fully considered but they are not persuasive.

Re applicant's arguments on page 7, the examiner believes that the prior art to Tarbox and Wheeler still meets the claimed invention. Tarbox teaches an ATM machine having a plurality of buttons, which enable a user to execute a desire transaction by selecting a single button in order to avoid the need to go through a menu to conduct a transaction. Wheeler discloses a plurality of buttons with different shapes and sizes, wherein the buttons are used for controlling the operation of many different types of devices such as cash dispensing machines (see page 1, lines 6-17) and wherein the buttons are distinguishable from each other by a blind person (see col. 3, lines 21-30). Therefore, the combination of Tarbox and Wheeler meets the claimed invention.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Nowlin whose telephone number is (703) 605-1219. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7382 for After Final communications.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.nowlin@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



AAN  
March 10, 2003



KARL D. FRECH  
PRIMARY EXAMINER